

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of June 2016, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER  
JOHN BRUSO, MEMBER  
JILL MONACELLI, MEMBER  
JAMES PERRY, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
FRANK SWIGONSKI, MEMBER  
RICHARD QUINN, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: DIANE M. TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT  
OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: MARC MICHALSKI**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Marc Michalski, 47 Brockton Drive, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a single family dwelling on premises owned by David Skulski, 705 Clarks Run Road., LaPlata, Maryland 20646, at 189 Westwood Road, Lancaster, New York 14086 to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9C.(2) of the Code of the Town of Lancaster. Request calls for a lot frontage of 82.2 feet.

Chapter 50, Zoning Section 9C.(2) of the Code of the Town of Lancaster requires a one hundred [100'] foot minimum lot width abutting a dedicated street. The petitioner, therefore, requests a 17.8' foot lot width variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Marc Michalski, Petitioner	Proponent	George
Bauer, Realtor for Owner	Proponent	
Valerie-Hartman Hurst	Opponent	
Jonathan Ludwig	Opponent	
Willaim Slachciak	Opponent	
Dave Kalmeyer	Opponent	

**IN THE MATTER OF THE PETITION OF MARC MICHALSKI**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY CHAIRMAN QUINN WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Marc Michalski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of June 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That an undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That there is a strong possibility that the detriment to nearby properties will be created by the granting of the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**CONSIDERED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	NO
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES

MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **DENIED**.

June 9, 2016.

**PETITION OF: DONALD HUTTON**

The 2<sup>nd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Donald Hutton, 37 Spruceland Terrace, Lancaster, New York 14086 for two [2] variances for the purpose of allowing an existing storage shed and an existing above ground pool and deck to remain as currently positioned on premises owned by the petitioner at 37 Spruceland Terrace, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The above ground pool and deck are positioned two point seven one [2.71] feet from the south side yard lot line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a five foot south side yard lot line set back for an accessory structure. The petitioner, therefore, request a two point two nine [2.29] foot south side yard lot line set back variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The storage shed is positioned four point four [4.4] feet from the east rear yard lot line.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Lancaster requires a five foot east rear yard lot line set back for an accessory structure. The petitioner, therefore, request a zero point six [.60] foot east rear yard lot line set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Donald Hutton, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF DONALD HUTTON**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Donald Hutton and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of June 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is (are) petitioning is within Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self- created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or

community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

☐ Stipulation that the variance granted would no longer be in effect when the structures are removed.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES



MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

June 9, 2016

**PETITION OF: GREGORY GAWRYS**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING board of Appeals was that of the petition of Gregory Gawrys, 11 Whitestone Lane, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a sunroom addition on premises owned by the petitioner at 11 Whitestone Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster to permit construction of a sunroom addition within seven [7'] feet of an existing in ground pool.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten [10'] feet from any other structure. The petitioner, therefore, requests a three [3'] foot rear yard variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Gregory Gawrys, Petitioner

Proponent

Joe Christ, Project Contractor

Proponent

**IN THE MATTER OF THE PETITION OF: GREGORY GAWRYS**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Gregory Gawrys and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of June 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	VOTED	NO
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

June 9, 2016

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:23 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: June 9, 2016